

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: NAPARSTEK, Yaakov

Serial No. : 09/826,069

Filed : April 4, 2001

For : PEPTIDES FOR THE TREATMENT OF  
SYSTEMIC LUPUS ERYTHEMATOSUS  
AND METHODS OF TREATING  
SYSTEMIC LUPUS ERYTHEMATOSUS

Group Art Unit 1644  
Examiner: G. EWOLDT

Tel Aviv, Israel  
December 10, 2007

Hon. Commissioner of Patents and Trademarks  
Alexandria, VA 22313

Sir:

**POST-INTERVIEW SUBMITTAL**  
**OF SUPPLEMENTAL DECLARATION UNDER 37 CFR SEC. 1.132**

Further to the interview conducted with the Examiner on October 17, 2007, the attached Sec. 132 Declaration is hereby submitted, as per the REMARKS appearing below.

**Remarks** begin on page 2 of this paper.

## Remarks

Applicant wishes to express his appreciation to the Examiner for the interview conducted on October 17, 2007 with the undersigned, Applicant's attorney, together with his associate attorney, Debra Z. Anderson.

The present submittal is intended to implement the conclusions of the interview, and place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Claims 8-14 are pending in the current application. A supplemental declaration of inventor Dr. Yaakov Naparstek is submitted herewith under Rule 1.132.

This submittal is based on the discussion in the interview regarding the lack of a rebound effect as related to the inventive method of treatment by extracorporeal removal of only lupus-specific antibodies from the plasma of SLE patients.

Two articles which document the rebound effect are attached to the declaration and are discussed therein.

In addition, a graph showing the decline in antibody levels in two patients is also attached to the declaration.

In the previously submitted Sec. 132 declaration (September 24, 2007), a graph referring to the first patient was inadvertently omitted (Fig. 12) and it is attached to these remarks.

As set forth in the attached Sec. 132 declaration, the continuing decline in antibody levels is indeed an unusual and unexpected result, one that could not have been predicted from the disclosure of any of the references cited, nor any reference known to Applicant. Applicant

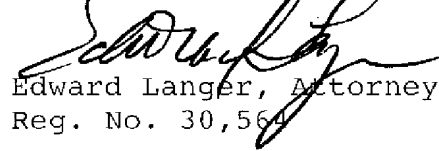
respectfully submits that any alleged *prima facie* case of obviousness has been overcome with evidence of unexpected results.

Applicant submits that the evidence of unexpected results establishes that the present invention is non-obvious and fully patentable in view of the references cited. Withdrawal of the §103 rejection is respectfully requested.

### **Conclusion**

Applicant submits that all outstanding issues have been addressed and that Claims 8-14 are in condition for allowance; such action is respectfully requested at an early date.

Respectfully submitted,



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